IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

WEDNESDAY, THE 19TH JULY 2006 / 28TH ASHADHA,1928

Bail Appl..No. 4327 of 2006

(CRIME NO.9/2006 OF BALUSSERY EXCISE RANGE)

PETITIONER/ACCUSED:

MOOTHORAN, S/O. RAMAN,
KAPPIKUNNUMMAL HOUSE, PANANGAD AMSOM AND DESOM,
KOYILANDI TALUK, KOZHIKODE DISTRICT.

BY ADV. SRI.P.R.SREEJITH

RESPONDENTS: COMPLAINANT:

STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR T.K. KUNHABDULLA

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 19/07/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A.4327/2006

DATED THIS THE 19TH DAY OF JULY, 2006

O R D E R

The petitioner is also accused, in number of other cases, violating the provisions of the Abkari Act. Once such case is in C.R.No.55/2003 of Balussery Excise Range, which is pending as S.C.No.838/2005 of Assistant Sessions Court, Koyilandy. The petitioner is in judicial custody. The present case is registered, under Section C.R.No.9/2006 of Balussery Excise Range, for the offence punishable under Section 8(1) & 8(2) of the Abkari Act, for having illegally possessed three liters of illicit arrack. In such situation, the petitioner , the second accused, in this case, is not entitled for bail, because of the operation of Section 41A of the Abkari Act. Therefore, the prayer is rejected.

J.M.JAMES
JUDGE

mrcs